

EXHIBIT

J

Declaration of Peter C. Salerno
In Opposition to Plaintiffs' Motion to Compel
Against Yassin Abdullah Kadi

03 MDL 1570

January 2018

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (FM) ECF Case
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This document relates to:

Kathleen Ashton, et al. v. Al Qaeda Islamic Army, et al., Case No. 02 Civ. 6977

Thomas Burnett, Sr., et al. v. Al Baraka Inv. & Dev. Corp., et al., No. 03 Civ. 9849

Federal Insurance Co., et al. v. Al Qaida, et al., No. 03 Civ. 6978

Continental Casualty Co., et al. v. Al Qaeda, et al., No. 04 Civ. 5970

Euro Brokers Inc., et al., v. Al Baraka, et al., No. 04 Civ. 7279

Estate of John P. O'Neill et. al., v. Al Baraka et. al. No. 04 Civ. 1923

**DEFENDANT YASSIN ABDULLAH KADI'S RESPONSE TO PLAINTIFFS' SECOND
SET OF JURISDICTIONAL REQUESTS FOR PRODUCTION OF DOCUMENTS**

Defendant Yassin Abdullah Kadi (“Kadi” or “Defendant”), through undersigned counsel, responds to Plaintiffs’ Second Set of Jurisdictional Requests for Production of Documents as follows:

GENERAL OBJECTIONS

1. Defendant Kadi objects to Plaintiffs’ Instructions, Definitions, and Document requests insofar as they:
 - a) Request documents concerning confidential communications between Defendant and his attorneys, on the ground of attorney-client privilege;
 - b) Request documents prepared by Defendant’s counsel for their own use, or prepared by Defendant or his agents or witnesses for use by Defendant’s counsel, on the ground that such documents are protected from disclosure by the attorney work product doctrine;
 - c) Request documents required to be withheld by Article VI, Section 2; (c) of the Convention on the Privileges and Immunities of the United Nations;

- d) Request documents produced by a party other than Defendant Kadi in discovery in U.K. litigation, which is prohibited under United Kingdom rules of law and procedure;
- e) Seek to expand Defendant's obligation to respond to discovery beyond the obligations established by the Federal Rules of Civil Procedure ("F.R.Civ. P.") and the Local Rules of this Court;
- f) Are overbroad, vague, ambiguous, unduly burdensome, not limited to the parameters set forth in the Second Circuit's remand of the claims against Defendant Kadi as outlined in its April 16, 2013 opinion, 714 F.3d 659, 678 (2d Cir. 2013), not reasonably calculated to lead to the discovery of admissible evidence regarding specific jurisdiction, or do not specify the information sought with sufficient clarity;
- g) Are repetitive and duplicative;
- h) Request documents outside the temporal limits of discovery set by the Court in this case, *i.e.*, January 1, 1992 through December 31, 2004;
- i) Refer to Docket No. 03 Civ. 5738, which was voluntarily dismissed by Plaintiffs (See ECF No. 337 filed in Docket No. 03 Civ. 5738 on February 12, 2008).

2. Defendant Kadi objects to the entire document request on the ground that it was propounded more than a year and a half after the deadline set by the court for the propounding of jurisdictional document requests. (See Letter endorsed August 15, 2013, ECF No. 2770).

DEFINITION

"Non-privileged" in this response means documents that are not protected from disclosure by any of the following: a) the attorney-client privilege; b) the work-product doctrine; c) the confidentiality requested by the United Nations with respect to correspondence with its ombudsperson pursuant to Article VI, Section 2; (c) of the Convention on the Privileges and Immunities of the United Nations; or d) the prohibition under United Kingdom rules of law and procedure against disclosure of material produced by a party in discovery in U.K. litigation.

RESPONSE

Notwithstanding the General Objections set forth above, and without waiving those objections, Defendant Kadi has produced all non-privileged documents in his possession, custody, or control that are responsive to these requests and created within the temporal limits of discovery set by the Court (January 1, 1992 through December 31, 2004).

Dated: April 27, 2017

s/
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